

Town of



AMHERST Massachusetts

PLANNING BOARD

PLANNING BOARD REPORT TO THE TOWN MEETING
WARRANT ARTICLES 55, 56
May 1, 1986

At its meeting of April 2, 1986, the Planning Board conducted a public hearing on Articles 55 and 56 in the Warrant, to hear comments from interested citizens and to make recommendations regarding these Articles.

Article 55 - To amend Section 7.4 of the Zoning By-Law by adding "or any Residential Use (Section 3.2) excepting fraternities, sororities, dormitory, hotel or motel" to the list of uses in the Municipal Parking Zone.

This Article would include residential uses, with the exceptions of fraternities, dormitories, hotels and motels within the Municipal Parking Zone. The Municipal Parking Zone is the area in downtown Amherst roughly bordered by Kellogg Street on the north, North and South Prospect Streets on the west, College Street on the south, and Churchill Street on the east. Within this area off-street parking need not be provided by Retail Business or Service uses or by any Commercial or Industrial use.

In June 1984, a Town Center Task Force was appointed to review and make recommendations on development issues in the downtown. The Task Force completed its report with its recommendations in late 1984. One of the major issues the Task Force debated was the loss of residential units in the Town Center. Members believed that it was to the Town's benefit to encourage the retention and/or production of housing. One of the methods to accomplish this would be to reduce the obstacles to residential use in the downtown. Both this Article (Article 55) and Article 56 are in response to the concerns and recommendations of the Town Center Task Force.

The Downtown Subcommittee of the Planning Board has spent the past six months also discussing downtown issues. The subcommittee has used the Final Report of the Task Force as a starting point in its discussions. The subcommittee and Planning Board expect to continue reviewing the Task Force's recommendations over the next year and will develop additional By-Law amendments as appropriate. Therefore, these two Articles are the first steps in addressing downtown issues.

The Downtown Subcommittee recommended, and the full Planning Board agreed, that one of the potential obstacles to residential uses is its inconsistent treatment in the Municipal Parking Zone compared with commercial, office and industrial uses. Therefore, by this By-Law amendment, residential uses with the exceptions noted, would be included in the Municipal Parking Zone. Given the existing development in this Zone, the Planning Board does not believe this change would have any significant effect. It may, however, encourage the retention of apartments on the floors above first floor commercial uses.

Therefore, the Planning Board voted unanimously to recommend approval of Article 55.

Article 56 - To amend Section 3.3 of the Zoning By-Law to allow certain residential uses in the General Business District by Plan Approval rather than by Special Permit.

This Article would allow certain residential uses, including townhouses, apartments, converted dwellings, buildings containing dwelling units in combination with stores or other permitted business and lodging or boarding houses, by plan approval rather than by special permit in the General Business District. This change was recommended by the Town Center Task Force as a means of encouraging residential uses in the downtown.

The requirement for a special permit for residential uses is seen as an obstacle. For example, any building constructed for commercial or office use requires plan approval. However, if the owner desired to have residential uses on the upper floors, that would require a special permit which is a lengthier and more uncertain process than plan approval. As a way of treating commercial and residential uses in a more equitable fashion with the hope of encouraging residential uses in the downtown, this by-law amendment is being proposed.

The Downtown Subcommittee and the full Planning Board are in agreement with the Task Force's recommendation on this change. Therefore, the Planning Board voted unanimously to recommend approval of Article 56.

Town of



AMHERST Massachusetts

PLANNING BOARD

PLANNING BOARD CERTIFICATE

This is to certify that a notice of the public hearing held on Wednesday, April 2, 1986, on a proposed amendment to the Zoning By-Law to include residential uses in the Municipal Parking District, was sent by mail, postage prepaid, to the Massachusetts Department of Community Affairs, the Pioneer Valley Planning Commission and the planning boards of all abutting towns.

Edward R. Markoff Chair

Frances A. Chiodo

Robert M. Doherty

Peter L. Kitchell

Stephen P. Poffe

I, Cornelia D. Como, Assistant Town Clerk of Amherst, Massachusetts certify that the signatures above are genuine and those of members of the Planning Board of the Town of Amherst.

Attest:

Cornelia D. Como
Assistant Town Clerk

Town of



AMHERST Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA. 01002-2351

Certified Copy of Notice of Public Hearing

AMHERST PLANNING BOARD NOTICE OF PUBLIC HEARINGS

In accordance with the provisions of Chapter 40A of the Mass. General Laws, the Amherst Planning Board will hold public hearings beginning at 8:00 P.M. on WEDNESDAY, APRIL 2, 1986 in the TOWN ROOM of TOWN HALL to give interested parties the opportunity to comment on the following proposed amendments to the Amherst Zoning By-Law.

a) A-2-86 To amend Section 7.4, Municipal Parking Zone, by adding the following language after the words Industrial Use (Section 3.37): or any Residential Use (Section 3.2) excepting fraternities, sororities, dormitory, hotel or motel.

b) A-3-86 To amend Section 3.3 (Use Chart) by changing the SP to PA in the B-G column for the following uses: Section 3.322 Townhouse; Section 3.323, Apartments; Section 3.324, Converted dwelling; Section 3.325, Building containing dwelling units in combination with stores or other permitted businesses; Section 3.329, Lodging or boarding house.

c) A-4-86 To amend Section 5.1, Supplemental Apartment, by adding Residential Neighborhood District to the Districts in which a supplemental apartment can be allowed by Special Permit.

d) A-5-86 To amend Section 3.324 Converted Dwelling by changing the Standards and Conditions section as follows:

There shall be no significant change in the exterior of the building, except that the Board of Appeals may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity.

The building shall be connected (with) to the public sewer system. However, the Board of Appeals may authorize, with the approval of the Board of Health, the conversion of a one-family dwelling to a two-family dwelling only, which is serviced by a septic system.

All lot area and yard requirements shall be met. However, in a conversion of a one-family to a two-family dwelling, the Board of Appeals may modify the lot area and yard requirements only if it finds the modification would be in accordance with the provisions of Section 9.23.

(and) All parking regulations shall be met.

2-March 14, 21

This is to certify that the notice of public hearing shown to the left was advertised in the Daily Hampshire Gazette on March 14 and March 21, 1986.

A true copy, attest:

Cornelia D. Como
Assistant Town Clerk

Town of



AMHERST Massachusetts

PLANNING BOARD

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NOTE: Underlining _____ means addition.
Parenthesis () means deletion.

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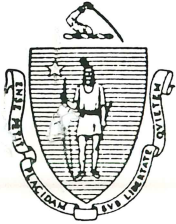
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2t-March 14, 21



FRANCIS X. BELLOTTI
ATTORNEY GENERAL

Received 9/24/1986
Office of Town Clerk -
THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. MC CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

Planning

September 22, 1986

Estelle M. Matusko
Town Clerk
Town Hall
Amherst, MA 01002

Dear Ms. Matusko:

I enclose the amendment to general by-laws adopted under article 50 and the amendments to zoning by-laws adopted under articles 55, 56, 57, 58, 59, 60, 61, 63, 64 and 67 of the warrant for the Amherst Annual Town Meeting that convened May 5, 1986, with the approval of the Attorney General endorsed thereon.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Henry F. O'Connell", written over a horizontal line.

Henry F. O'Connell
Assistant Attorney General

HFO/emb
Enclosure

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September 22, 1986

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 55, 56, 57, 58, 59, 60, 61, 63, 64 and 67 of the warrant for the Amherst Annual Town Meeting that convened May 5, 1986, are hereby approved.



ATTORNEY GENERAL

ZONING AMENDMENT A-2-86

Article 34. (Planning Board) To see if the Town will vote to amend Section 7.4 of the Zoning By-Law, (Municipal Parking Zone) by adding the underlined language after the words Industrial Use (Section 3.37): or any Residential Use (Section 3.2) excepting fraternities, sororities, dormitory, hotel or motel.